ASSEMBLY BILL   No. 938

Introduced by Assembly Member Umberg

February 18, 2005

An act to add Section 84204.5 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 938, as introduced, Umberg.   Campaign expenditure disclosures.

Existing provisions of the Political Reform Act of 1974 require committees receiving or making contributions or expenditures above specified threshold amounts, to report those contributions and expenditures, as well as other specified information, at times and places specified in the act. The act requires certain of these committees, by virtue of receiving or making contributions or expenditures above generally higher threshold amounts, to file the reports required by the act online or electronically. Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would require committees that are required under existing law to file online or electronically to also file a report online or electronically disclosing expenditures totaling $10,000 or more to support or oppose the qualification or passage of a ballot measure, and disclosing other specified information, within 10 business days of making the expenditure. The bill would require that this report also be filed in the places where the committee would be required to file campaign statements if it were formed or existing primarily to support or oppose the measure for or against which it is making the expenditure.

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By requiring county and city clerks to receive some of these additional reports, and by adding to the duties of certain committees under the act, thereby expanding the application of the criminal sanctions in the act, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84204.5 is added to the Government
2 Code, to read:
3 84204.5. (a) In addition to any other report required by this
4 title, a committee that is required to file reports pursuant to
5 Section 84605 shall file online or electronically with the
6 Secretary of State a report disclosing expenditures totaling ten
7 thousand dollars ($10,000) or more to support or oppose the
8 qualification or passage of a ballot measure, within 10 business
9 days of making the expenditure, containing all of the following:
10 (1) The full name and street address of the committee.
11 (2) The number or letter of the measure if the measure has
12 qualified for the ballot and has been assigned a number or letter;
13 the title of the measure if the measure has not been assigned a
14 number or letter but has been issued a title by the Attorney

1 General; or the subject of the measure if the measure has not
2 been assigned a number or letter and has not been issued a title
3 by the Attorney General.
4   (3) The amount and the date, as well as a description of goods
5 or services for which the expenditure was made.
6   (4) The information required by paragraphs (1) to (5),
7 inclusive, of subdivision (f) of Section 84211, covering the
8 period from the day after the closing date of the last campaign
9 report filed to the date of the expenditure, or if the committee has
10 not previously filed a campaign statement, covering the period
11 from the previous January 1 to the date of the expenditure. No
12 information required by paragraphs (1) to (5), inclusive, of
13 subdivision (f) of Section 84211, that is required to be reported
14 with an expenditure report by this subdivision, is required to be
15 reported on more than one expenditure report.
16   (b) A committee that is required to file a report pursuant to this
17 section shall file the report in the places where it would be
18 required to file campaign statements under this article as if it
19 were formed or existing primarily to support or oppose the
20 measure for or against which it is making the expenditure. Any
21 expenditure disclosed pursuant to subdivision (a) of this section
22 shall be reported on subsequent campaign statements without
23 regard to reports filed pursuant to this section.
24   SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution for
26 certain costs that may be incurred by a local agency or school
27 district because, in that regard, this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the
29 penalty for a crime or infraction, within the meaning of Section
30 17556 of the Government Code, or changes the definition of a
31 crime within the meaning of Section 6 of Article XIII B of the
32 California Constitution.
33   However, if the Commission on State Mandates determines
34 that this act contains other costs mandated by the state,
35 reimbursement to local agencies and school districts for those
36 costs shall be made pursuant to Part 7 (commencing with Section
37 17500) of Division 4 of Title 2 of the Government Code.
38   SEC. 3. The Legislature finds and declares that the provisions
39 of this act further the purposes of the Political Reform Act of

1 1974 within the meaning of subdivision (a) of Section 81012 of
2 the Government Code.

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